

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 391 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF INCOME TAX

Versus

BILESHWAR KHAND UDYOG KHEDUT SAHAKARI MANDLI LTD.

Appearance:

MR BB NAIK WITH MR MANISH R BHATT for Petitioner
MR DA MEHTA & MR RK PATEL FOR KC PATEL
for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 01/09/1999

ORAL JUDGEMENT (PER C.K.THAKKAR, J)

1. The following question is referred for the
opinion of this Court :-

"Whether on the facts and in the circumstances of
the case, the Tribunal was right in law in coming

to the conclusion that the guest house expenditure incurred by the assessee was allowable u/s. 37(4) of the Income-tax Act, 1961?"

2. The point is covered by a decision of this Court in Commissioner of Income Tax v. Ahmedabad Manufacturing and Calico Printing Company Ltd., 197 ITR 538. It was also followed by a Division Bench in Income Tax Reference No.284 of 1983, decided on 10th October, 1996.

3. In view of the fact that the point is concluded, the question, the question referred to us must be answered in the affirmative, i.e. in favour of the assess and against the revenue. Reference is accordingly disposed of. In the facts and circumstances, no order as to costs.

[C.K. THAKKAR, J.]

[A.L. DAVE, J.]

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